

### REMARKS

Claims 1 and 3-45 are pending in the application. Claims 1, 3-32, and 35-45 have been cancelled, without prejudice, by this amendment. New claims 46-49 have been added by this amendment. Therefore, claims 33, 34, and 46-49 are at issue.

Claim 33 has been amended to correct a typographical error. Claim 34 has been amended to delete a particular stress-inducing event. The deleted stress-induced event now is recited in new independent claim 46. New claims 47-49 are fully supported by the specification and originally filed claims, and conform in scope to the elected species.

Claims 3-5, 7, 10-12, 16, 22-32, and 35-45 have been withdrawn from consideration as being drawn to a nonelected invention. These claims have been cancelled without prejudice to filing a divisional application directed to the subject matter of these claims.

Claims 6, 8, 9, 33, and 34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the term "alkyl" in claims 8 and 9 has no basis, and because the term "host" has no basis in claim 33. In view of the cancellation of claims 6, 8, and 9, the amendment to claim 34, and new independent claim 46, it is submitted that this rejection under 35 U.S.C. §112 has been overcome and should be withdrawn.

Claims 1, 6, 8, 9, 13-15, and 17-21 stand rejected under 35 U.S.C. §101 as being inoperative and lacking utility. Applicants disagree with the examiner's conclusion as to utility, but have cancelled claims 1, 6, 8, 9, 12-15, and 17-21 in order to facilitate prosecution. The cancellation of claims 1, 6, 8,

9, 12-15, and 17-21 renders the rejection under 35 U.S.C. §101 moot. These claims were not cancelled because of a lack of patentability, and will be pursued in a continuing application.

Applicants note that claim 33 is directed to a method of preventing cell death attributable to a stress-inducing event, and various stress-inducing events are specifically listed in claim 34. Applicants, therefore, submit that claims 33 and 34 particularly point out and distinctly claim the subject matter which applicants regard as their invention, and respectfully request the examiner to reconsider these claims. New claim 46, which is directed to a particular stress-inducing event, particularly points out and distinctly claims the subject matter which applicants regard as one aspect of the invention.

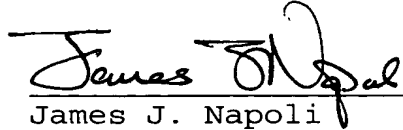
In summary, it is submitted that generic claims 33, 34, and 46 are patentable because no art has been found with respect to using a temporary p53 inhibitor to prevent cell death attributable to a stress-inducing event, either generally or from the events recited in claims 34 and 46. It also is submitted that dependent claims 47-49, which recite a specific class of temporary p53 inhibitors, also are allowable. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number

Respectfully submitted,

**MARSHALL, GERSTEIN & BORUN**

By

A handwritten signature in dark ink, appearing to read "James J. Napoli", is written over a horizontal line.

James J. Napoli  
(Registration No. 32,361)  
Attorneys for Applicants  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 474-6300

Chicago, Illinois  
July 10, 2003